

July 1, 2022

Ms. Susan Todani
Chairperson
Hawai'i Community Development Authority
547 Queen Street
Honolulu, Hawai'i 96813

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HAWAII COMMUNITY
DEVELOPMENT
AUTHORITY

Re: KAK 22-042 (Ālia)

Dear Chairperson Todani and Members of the Authority:

On behalf of Victoria Ward, Ltd. ("VWL"), thank you for the opportunity to submit brief comments in this proceeding.

VWL takes no position on the issuance of the planned development permit for Ālia, which is planned for Block I of the Kamehameha Schools' Kaiāulu 'o Kaka'ako Master Plan ("KKMP"). Since Ālia is at the border of the KKMP and the Ward Neighborhood Master Plan ("Ward Master Plan"), however, VWL takes this opportunity to respectfully submit comments regarding HCDA's tower spacing rule under the vested 2005 Mauka Area Rules that govern planned developments within both master plans.

As the Board is aware, VWL is in the process of implementing the Ward Master Plan on lands that are adjacent to the KKMP within the Mauka Area. VWL, for example, is preparing for the construction of Ulana Ward Village on Block F of the Ward Master Plan, which HCDA permitted in May, 2021, and is mauka of the proposed Ālia development across Auahi Street. *See* Ālia – Block I Planned Development Permit Application (May 18, 2022) at Exhibit B-2 (Aerial Photo of Surrounding Land Area) and Exhibit B-5 (Orientation and Tower Spacing Plan).

As the Board is further aware, Hawai'i Administrative Rules § 15-22-143(b) provides that:

Spacing between building towers shall be based upon the tower location on the development lot and distances between neighboring towers. To the extent practicable, tower spacing shall be as follows:

- (1) At least 300 feet between the long parallel sides of neighboring towers;
and

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(2) At least 200 feet between the short side of towers.

With respect to VWL's remaining planned development projects, VWL (consistent with its prior developments) is planning on orienting and placing its towers within the constraints of the lots to comply with the spacing guidelines of HAR § 15-22-143(b) to the extent practicable in relation to VWL's other towers within the Ward Master Plan; however, VWL (as with a KKMP developer) has no control over the final placement of planned developments outside (but near the border) of its master plan area that may ultimately affect the distance between neighboring towers. This is particularly true given that tower orientation and placement is often dictated by constraints and other considerations unique to each lot within each master plan area.¹

Given these practical issues that arise for developments at or near the border of the Ward Master Plan and the KKMP, VWL respectfully requests that the Board, as suggested in the Ālia staff report, take into consideration whether planned or permitted neighboring tower(s) to a proposed tower are within another master plan when reviewing whether it is "practicable" to maintain the tower orientation and spacing as provided in HAR § 15-22-143(b). VWL submits that additional flexibility with respect to the tower spacing guidelines is warranted in areas at or near the border of the Ward Master Plan and the KKMP for the reasons noted above.

Thank you for the opportunity to comment on this issue.

Very truly yours,

WATANABE ING LLP



BRIAN A. KANG

cc: Victoria Ward, Ltd.

¹ VWL notes, for example, that Exhibit B-5 of the Ālia planned development permit application (Orientation and Tower Spacing Plan) appears to show that the short side of the Ālia tower is planned to be within 200' of the Makai side of the tower for Ulana Ward Village, which is located across Auahi Street within the Ward Master Plan. The staff report for the Ālia project dated July 6, 2022 notes that the Ālia tower is, "to the extent practicable, separated from the nearest tower." VWL further notes that except for the depiction of the tower placement for Ulana Ward Village, Exhibit B-5 is not necessarily reflective of VWL's current plans for the placement of its towers for development projects within the Ward Master Plan.